



FEE RECEIVED

JUL 03 2002

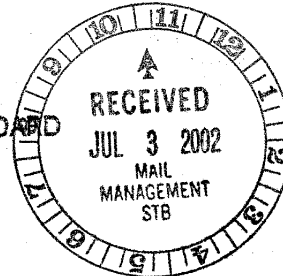
FILED

JUL 03 2002

**SURFACE
TRANSPORTATION BOARD**

SURFACE

Sheyenne River Valley National Scenic Byway TRANSPORTATION BOARD
P.O. Box 784
Valley City, North Dakota 58072
Telephone 701.845.2251 E-mail bkoeplin@kwh.com



June 25, 2002

**ENTERED
Office of Proceedings**

JUL 03 2002

**Part of
Public Record**

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K St., NW, Room 711
Washington, DC 20423

Re: Red River Valley & Western Railroad Company-Abandonment-LaMoure and Barnes
County, North Dakota AB_391_9_X.

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Sheyenne River Valley National Scenic Byway, which is a public interest organization interested in conservation and/or recreation opportunities, hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Marion and Lucca, North Dakota.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment. The justification for this condition is that: the thirty-three mile rail corridor in question runs parallel to, intersects and crosses the 63 mile long Sheyenne River Valley National Scenic Byway. The rail corridor also intersects with the 4,195-mile North Country Scenic Trail from Lake Sakakawea, North Dakota to Crown Point, New York. The corridor will connect several rural communities and county parks with a National Scenic Byway. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans identified in the Byway Corridor Management Plan. In addition, preservation of this corridor as a recreational trail would preserve an important green space and wildlife habitat area. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because: we have not had an

opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles and culverts. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, Sheyenne River Valley National Scenic Byway Committee is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any and all taxes that may be levied or assessed against the Red River Valley & Western Railroad Company.

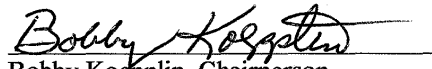
The property, known as the Lucca to Marion Line, extends from railroad milepost 27.4 near Lucca to railroad milepost 60.3 near Marion, a distance of 32.9 miles in LaMoure and Barnes Counties, North Dakota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB_391_9_X.

A map depicting the right-of-way route is attached.

The Sheyenne River Valley National Scenic Byway Committee acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Red River Valley & Western Railroad Company, 116 South 4th Street, Suite 203, P.O. Box 608, Wahpeton, North Dakota 58074, by U.S. Mail, postage prepaid, first class, this 25th day of 2002.

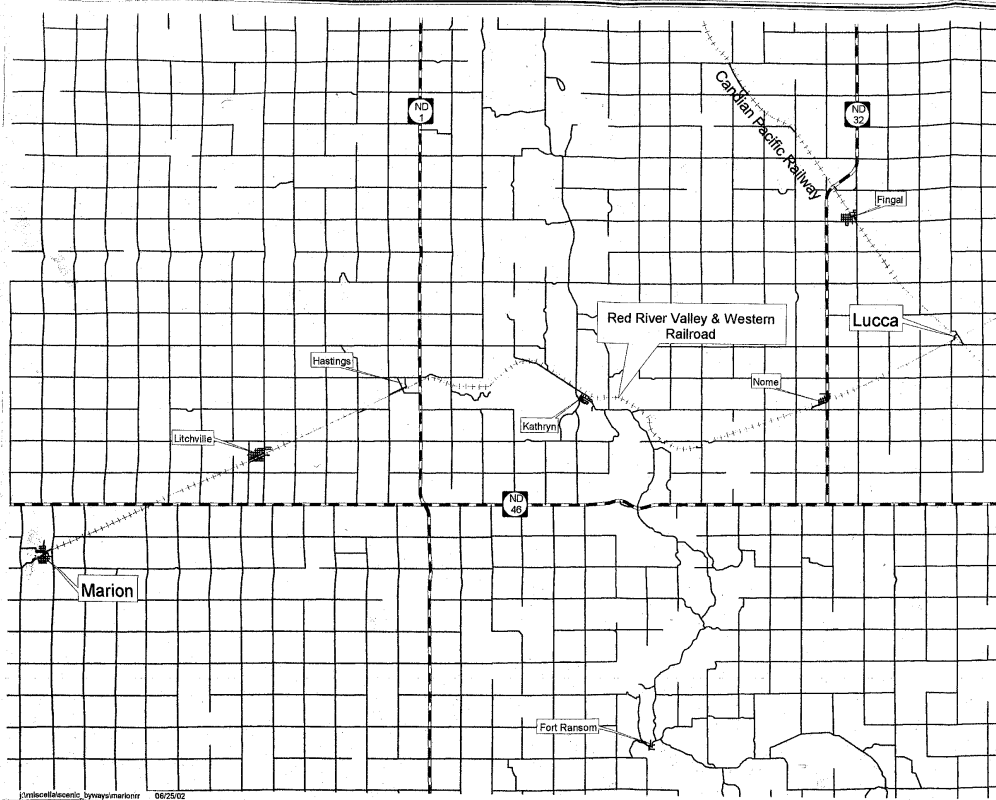
Respectfully submitted,


Bobby Koepplin, Chairperson

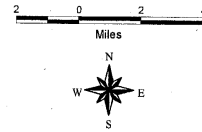
on behalf of: Sheyenne River Valley National Scenic Byway

cc: William Drusch, President
Red River Valley & Western Railroad Company

Abandoned Railroad Marion to Lucca RRV & W



- Railroad Lines
- State Roads
- County Roads
- Water Ways
- River/Lakes
- Ransom County
- LaMoure County
- Barnes County



**Kadmas
Lee &
Jackson**
Engineers, Surveyors
and Planners